IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE P.S.NARAYANA

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WRIT PETITION NO : 10887 of 1997

Between:

1 Vaitla Pattabhirama Rao, S/o. Janakiramayya,
R/o. Kandulapalem , Ramachandrapuram Mandal,
E.G.Dist.
2 Vaitla Narayana Rao, s/o. Narayanarao,
R/o. Kandulapalem , Ramachandrapuram Mandal,
E.G.Dist.
3 Vaitla Janakiramayya, s/o Ramanna,
R/o. Kandulapalem , Ramachandrapuram Mandal,
E.G.Dist.
4 Vaitla Veera Venkata Satyanarayana, S/o. Venkataramanna,
R/o. Kandulapalem , Ramachandrapuram Mandal,
E.G.Dist.

..... PETITIONERS

AND

1 Govt., of A.P., Represented by it's Secretary, Revenue

Department, Secretariat, Hyderabad.
2 District Collector, East Godavari Dist at Kakinada.
3 Mandal Revenue Officer, Ramachandrapuram Mandal,
Ramachandrapuram , E.G. District.
4 Superintending Engineer, Irrigation Circle (Godavari

Eastern Division), Dowleswaram.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ, order or direction declaring

the action of the respondents in seeking to lay a road on the Kandulapalem channel and in that process taking away a portion of our land situated in S.Nos.142/12, 155/4, 156/7, 157/2,161,142/9,156,157,158/1&158/2,160,163,&162 in an extent of Ac.34.66 cents situated in Kandulapalem Village, Ramachandrapuram Mandal, East Godavari District, or cutting away the coconut trees raised by us along the cannel bund in our lands without following the due process of law as illegal and arbitrary.

Counsel for the Petitioner: MR.V.V.L.N.SARMA

Counsel for the Respondents: GP FOR IRRIGATION & COMM AREA DEV.

The Court made the following **ORDER**:

This writ petition has been filed seeking to issue a Writ of Mandamus or any other appropriate Writ, order or direction declaring the action of the respondents in seeking to lay a road on the Kandulapalem channel and in that process taking away a portion of the land of the petitioners situated in 142/12, 155/4, 156/7,157/2,161,142/9,156,157,158/1&158/2, 160,163,&162 in an extent of Ac.34.66 cents situated in Kandulapalem Village, Ramachandrapuram Mandal, E.G.Dist., or cutting away the coconut trees raised by them along the cannel bund in their lands without following the due process of law as illegal and arbitrary and pass such other suitable orders.

The 4th respondent filed counter affidavit, wherein specific stand was taken to the effect that there was no damage caused to trees raised by the petitioners in their land. The gravel road has already been laid without any hindrance to the petitioners' land or the trees existing in the said land.

In view of the specific stand taken in the counter affidavit filed by the respondent, no further orders need be passed in this writ petition.

Accordingly, the writ petition is closed. No order as to costs.

20-12-2004

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To

1 The Secretary, Govt., of A.P., Revenue

Department, Secretariat, Hyderabad.
2 District Collector, Kakinada, E.G.District.
3 Mandal Revenue Officer, Ramachandrapuram Mandal, Ramachandrapuram , E.G.District.
4 Superintending Engineer, Irrigation Circle (Godavari

Eastern Division), Dowleswaram.

5 Two CCs to GP for Land Irrigation and Command Area Development, High Court buildings, Hyderabad (OUT)

6 Two CD copies.